

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EARL L. TABRON, JR.,

Plaintiff,

v.

RADIO SHACK, JOHN V. ROACH,
GEORGE KUNNEY AND
DARRYL J. FERRARA

Defendants.

Civil Action No. 02-2695

**DEFENDANTS RADIOSHACK AND JOHN V. ROACH'S MOTION TO COMPEL
PLAINTIFF TO RESPOND TO DISCOVERY**

Defendants Radio Shack Corporation and John V. Roach (hereinafter "Defendants") by their counsel, move this Court for an Order compelling Plaintiff Earl L. Tabron, Jr. ("Plaintiff") to respond to discovery pursuant to Federal Rules of Civil Procedure 37(a)(2) and Local Rule 26.1(g).

The grounds for this motion are as follows:

1. On May 6, 2002, Plaintiff initiated this action by the filing of a Complaint which was served upon Defendants RadioShack Corporation and John V. Roach on or about May 20, 2002.

2. After receiving an extension from the Court, Defendants filed their Answer on June 18, 2002.

3. On May 9, 2003, Defendants served the Plaintiff with Interrogatories and a Request for Production of Documents. In addition, by way of the cover letter for such discovery,

demand was made for Plaintiff's overdue Rule 26(a) initial disclosures. Responses were due on or before June 8, 2003. A true and correct copy of the letter is attached hereto as Exhibit A.

4. Having received no response, on June 11, 2003, Defendants' counsel sent a letter to Plaintiff requesting all overdue responses to discovery by June 18, 2003. A true and correct copy of the letter is attached hereto as Exhibit B.

5. After June 18, 2003 passed without Defendants receiving the overdue discovery, Defendants' counsel sent another letter to Plaintiff requesting the discovery responses by June 24, 2003. A true and correct copy of the letter is attached hereto as Exhibit C.

6. To date, Plaintiff has failed to respond to the Interrogatories and Document Request.

7. Pursuant to Federal Rule Civ. P. 37(a)(2)(A) and Rule 26(g) of the Local Rules for the United States District Court for the Eastern District of Pennsylvania, a routine motion to compel answers to Interrogatories or compel compliance with a Request for Production under Federal Rule of Civil Procedure 34 wherein it is averred that no response or objection has been timely served, need have no accompanying brief.

WHEREFORE, defendants ask that the Court enter an Order:

(a) Compelling Plaintiff Earl L. Tabron, Jr. within seven (7) days of the date of the Order to respond to Defendants Radio Shack and John V. Roach's First Set of Interrogatories to Plaintiff, Defendants Radio Shack and John V. Roach's First Set of Document Production Requests to Plaintiff and Plaintiff's Rule 26(a) disclosures.

(b) Granting Defendants costs in the amount of \$400 for the costs and fees associated with the filing of the within Motion.

(c) Granting such other and further relief, either legal or equitable that this Court deems appropriate.

ARCHER & GREINER
A Professional Corporation

By: _____
DAVID A. RAPUANO

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